

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

A.G. and L.G., on behalf of N.G.,
Plaintiffs-Appellants,,

--against--

08 Civ. 1576 (LAK)

Thomas R. Frieden, As Commissioner of
the New York City Department of Health & Mental Hygiene, **NOTICE OF MOTION**
Defendants.

PLEASE TAKE NOTICE THAT upon the pleadings, this Court's Consent Scheduling Order, the annexed affidavit of Gary S. Mayerson with exhibits, and upon the full evidentiary record made at the administrative level, plaintiffs-appellants shall move this Court before United States District Court Judge Lewis A. Kaplan (a) for a modified de novo appeal and review of the January 16, 2008 Decision of the Administrative Law Judge and (b) for an order pursuant to 20 U.S.C. Sec. 1415 reversing the ALJ's January 16, 2008 Decision and awarding the reimbursement relief denied by the ALJ; (c) for an order declaring N.G. and his parents to be the "substantially prevailing party;" and (d) granting plaintiffs-appellants leave to submit a fee application pursuant to the fee-shifting provision of the IDEA statute and controlling Second Circuit authority.

Dated: New York, New York
July 30, 2008

Mayerson & Associates
Attorneys for Defendants-Appellants

By: 

Gary S. Mayerson (GSM 8413)
330 West 38th Street, Suite 600
New York, New York 10018
(212) 265-7200